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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,752	10/29/2001	James P. Lester	21685-06159	6272

45506 7590 09/29/2005

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,752

Applicant(s)

LESTER ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/26/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11, and 26-32 are presented for examination. Claims 12-25 have been withdrawn from the consideration.
2. Claims 12-25 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/22/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunning et. al.(US Publication 2002/0082901) (hereinafter Dunning).

5. As per claim 1, Dunning discloses computer implemented method of delivering media items to a plurality of users, the method comprising; delivering to the users via a computer network (page 6 paragraph #0091) media items (web-based jukebox, page 5, paragraph #0085) in a sequential order from a

playlist (page 17, paragraph #0280-#0281), the playlist defining a plurality of media items (page 17, paragraph #0280-#0281) to be delivered and the sequential order for their delivery (radio sequence generator uses track preference, page 4, paragraph #0045-#0046; page 8, paragraph #0120; #0121);

receiving a requests for a media item from one or more of the users (stream deliver system receives request and delivers jukebox; page 5, paragraph #0085-#0086); and

selectively adding the requested media item to the playlist (page 17, paragraph #0280-#0281) if the modified playlist (page 20, paragraph #0304; page 25, paragraph #0255-#0256) would satisfy a set of restrictive

criteria stream deliver system (authorization module enforces global business rules; pages 5-6, paragraph #0086).

6. As per claim 2, Dunning discloses the set of restrictive criteria comprises whether the playlist satisfies a set of group preferences (authorization module enforces global business rules; pages 5-6, paragraph #0086).

7. As per claim 3, Dunning discloses the adding comprises inserting a requested media item at a random (search module, page 6, paragraph 0092; pages 7-8, paragraph 0117) position in the playlist (page 17, paragraph #0280-#0281).

8. As per claim 4, Dunning discloses attempting to add the requested media item to a position in the playlist (page 17, paragraph #0280-#0281) so that the modified playlist (page 17, paragraph #0280-#0281; page 20, paragraph #0304; page 25, paragraph #0255-#0256) satisfies the set of restrictive criteria (authorization module enforces global business rules; pages 5-6, paragraph #0086); and disregarding the request if the requested media item cannot be added (constraints are configurable by website operator, for example no more than

one song per hour from a particular album, page 8, paragraph #0120) to the playlist (page 17, paragraph #0280-#0281) so that the modified playlist (page 17, paragraph #0280-#0281) would satisfy the set of restrictive criteria (authorization module enforces global business rules; pages 5-6, paragraph #0086).

9. As per claim 5, Dunning discloses the set of restrictive criteria (authorization module enforces global business rules; pages 5-6, paragraph #0086) comprises whether the playlist complies (page 17, paragraph #0280-#0281; page 20, paragraph #0304; page 25, paragraph #0255-#0256) with the Digital Millennium Copyright Act requirement for obtaining a statutory license (page 4, paragraph #0049).

10. As per claim 6, Dunning discloses the delivering media items comprises broadcasting media items to the users so that fewer than a substantial number of media items are delivered with an hour of when their was received (radio station programming techniques such one hour period, page 4, paragraph #0049).

11. As per claim 7, Dunning discloses the delivering media items further comprises broadcasting media items to the users so that fewer than a

substantial number of media items are delivered at a time that the user who made the request is informed (119, fig 1A) the requested media items will be delivered (radio station programming techniques such one hour period, page 4, paragraph #0049).

12. As per claim 8, Dunning discloses the delivering media items comprises broadcasting media items to the users so that the media items are delivered in compliance with the Digital Millennium Copyright Act requirement for obtaining a statutory license (page 16, #0267).

13. As per claim 9, Dunning discloses providing a searchable database of media items that allows a user to search the database by a set of media attributes (page 6, paragraph #0092); receiving a request from the user for a media item from the database (stream deliver system receives request and delivers jukebox; page 5, paragraph #0085-#0086); and selectively adding the requested media item from the database to the playlist if the modified playlist (page 17, paragraph #0280-#0281; page 20, paragraph #0304; page 25, paragraph #0255-#0256) would satisfy the set of restrictive criteria (authorization module enforces global business rules; pages 5-6, paragraph #0086).

14. As per claim 10, Dunning discloses the adding comprises limiting the number of requests from a user (hundred song jukebox, page 8, paragraph #0123).

15. As per claim 11, Dunning discloses the media items are sound recordings (jukebox, page 5, paragraph #0085).

16. As per claim 26, Dunning discloses a media server (web-based jukebox, page 5, paragraph #0085; page 6 paragraph #0091) for delivering media files to a plurality of clients over a computer network (page 6 paragraph #0091), the media server comprising:

- a network connection for communicatively coupling to a plurality of clients over a network (web-based jukebox, page 5, paragraph #0085; page 6 paragraph #0091);

- a playlist memory containing a playlist (page 17, paragraph #0280-#0281), wherein the playlist defines a set of media files in a sequential order (radio sequence generator uses track preference, page 4, paragraph #0045-#0046; page 8, paragraph #0120; #0121; page 17, paragraph #0280-#0281);

- a media storage memory containing a library of media files (radio sequence generator uses track preference, page 4, paragraph #0045-

#0046; page 8, paragraph #0120; #0121; page 17, paragraph #0280-
#0281); and

a processor coupled to the network connection (page 20, paragraph
#0304; page 25, paragraph #0255-#0256), the playlist memory
(page 20, paragraph #0304; page 25, paragraph #0255-#0256), and
the media storage memory wherein the processor (page 20, paragraph
#0304; page 25, paragraph #0255-#0256): evaluates each request
using set of restrictive criteria (authorization module enforces global
business rules; pages 5-6, paragraph #0086),

if the playlist including the request would satisfy the set of restrictive
criteria, adds the requested media file to the playlist (authorization module
enforces global business rules; pages 5-6, paragraph #0086); and

transmits media files according to the playlist from the media storage
memory to the plurality of clients over the computer network (page 5-6,
paragraph #0085-#0086).

17. As per claim 27, the claim is rejected for the same reasons as claims
26 and 6, above.

18. As per claim 28, the claim is rejected for the same reasons as claims
26 and 2, above.

19. As per claim 29, the claim is rejected for the same reasons as claims 26 and 11, above.

20. As per claim 30, Dunning discloses the playlist memory (page 17, paragraph #0280-#0281) contains a plurality of playlists, each playlist corresponding to a network media channel (web-based jukebox, page 5, paragraph #0085; page 6 paragraph #0091; page 20, paragraph #0310); the processor is adapted to receive requests for media files from the plurality of clients, each request being associated with a network media channel (web-based jukebox, page 5, paragraph #0085; page 6 paragraph #0091; page 20, paragraph #0310), wherein the processor evaluates each request using one or more restrictive criteria and, if the playlist including the requested media file would satisfy the set of restrictive criteria (authorization module enforces global business rules; pages 5-6, paragraph #0086), adds the requested media file to the playlist (page 17, paragraph #0280-#0281) ; and the media server broadcasts media files sequentially to the network on each of the plurality of network media channels according to each corresponding playlist web-based jukebox, page 5, paragraph #0085; page 6 paragraph #0091; page 20, paragraph #0310).

21. As per claim 31, the claim is rejected for the same reasons as claims 26 and 7, above.

22. As per claim 32, Dunning discloses the set of restrictive criteria authorization module enforces global business rules; pages 5-6, paragraph #0086) comprises a set of group preferences to each network media channel (page 20, paragraph #0310).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Publication 2001/0025259

U.S. Publication 2003/0135464

U.S. Publication 2002/0010759

U.S. Publication 2005/0038819

U.S. Patent 6,248,946

U.S. Patent 6,859,791

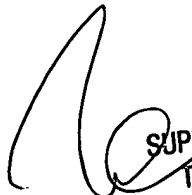
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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